

Category	ICC Section	Item	Brief Description	Notes
Periodic Review Item	050 or 080	Exceptions from Shoreline Permits	Ecology adopted rules that clarify exceptions to local review under the SMA.	Pertaining to remedial hazardous substance cleanup actions, boatyard improvements to meet NPDES requirements, and certain WSDOT maintenance and safety projects and activities.
Periodic Review Item	050.C	Federal Lands	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction.	
Maps	060.A	SED Map	Reference the digital map and comment on future map updates. Add note into the code that there may be errors, and which ones are priority.	See also policy 005/17 and Policy 003/17 - Regulations of Conflicting Shoreline Environmental Designation (SED) - Policy for map change at Beverly Beach.
Maps	060.A and C	Shoreline Environmental Designations	Ensure the SED map is accurate, and solidify it to prevent discrepancies and the need for SED changes post adoption. Add language that SED changes can only be requested through a Comprehensive Plan Amendment/during periodic review	See also policy 005/17 and Policy 003/17 - Regulations of Conflicting Shoreline Environmental Designation (SED) - Policy for map change at Beverly Beach. Is there a less onerous process that would be allowed, other than requiring a Comprehensive Plan Amendment for all SED changes?
SEDs	060.H.4	Historic Beach Community list	Establish a new process for setbacks in Historic Beach Communities.	Investigate whether commonline, view triangle, setback average would be a better solution.
Definitions	070	Definition for "boat house" and "overwater boat storage"	Clarify difference between a boat house and overwater boat storage by providing definitions for both.	
Definitions	070	Definition for "beach access structures"	Add a definition for "beach access structures". See use in 17.05A.100.C.1.	
Definitions	070	Definition for "boat lift and canopy"	Add a definition for "boat lift and canopy".	
Definitions	070	Definition for "Historic Beach Community"	Clarify the definition of "Historic Beach Community".	
Definitions	070	Definition for "structure"	Revise the definition of a "structure".	Is the version in WAC 173-27-030 sufficient? Or do we expound on it?
Definitions	070	Definition for "commercial development"	Specify that commercial use does not encompass a home industry or home occupation.	Will need TRC input on whether a Home Industry should be considered a commercial use.
Definitions	070	Definition for "industrial"	Add definition for "industrial". See 17.05A.100.G.2 for restricted use. Also clarify that this does not include home industry and home occupancy.	

Definitions	070	Definition for "entire site"	Add definition for "entire site". See use in 17.05A.090.D.7	
Definitions	070	Definitions for "pervious" and "impervious"	Update the definition for impervious. Consider adding a definition for pervious and partially pervious. Specifically look at implications to the 20% coverage allowed in the setback and what counts towards this.	See also policy 001/17 and 002/17. Address how decks and eaves should be considered. Look into the science of what qualifies a surface as impervious.
Definitions	070	Definitions for "repair" and "replacement"	Create definition for reapiir and update the definition for replacement, to increase clarity for bulkhead repairs and replacements.	
Definitions	070	Definitions for "modified" and "expanded"	Consider creating definitions for "modified" and "expanded".	
Definitions	070	Definition of "single family residence"	Add home-based businesses to definition of SFR or add to SFR section	Ask the TRC if this should include home industries.
Definitions	070	Definition of "accessory utilities"	Add a definition of accessory utilities.	Ensure that this includes stormwater outfall pipes over bluffs associated with a single family residences.
Definitions	070	update definition of "boat"		
Definitions	070	Community dock	In the definition of community dock, specify that this also covers docks owned by HOAs.	
Periodic Review Item	070	Substantial Development	OFM adjusted the cost threshold for substantial development to \$7,047.	Update 130.E.2.d.i.. Evaluate whether this will remain static over the ten-year SMP update interval, or whether OFM adjusts for inflation at regular intervals.
Periodic Review Item	070	Removing Structures	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	Adjust the definition of development to reflect the amended rules. Does this mean demolition cannot be regulated or reviewed at at all under the SMP or that it wouldn't require an SDP? Does demolition include excavation and clearing? Are there other state/federal permits that would be required instead?
Periodic Review Item	070	Wetlands	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual.	No change necessary.
Periodic Review Item	070	enhancement projects	Ecology’s rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	No change necessary.

Periodic Review Item	070 and 080	Floating on-water residences	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Include the legislature definitions and policies.
Periodic Review Item	070 and 080	Floating Homes	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Investigate whether we have floating homes established prior to 7/1/2014. Possibly define the differences (if any) between floating homes, floating on-water residences, and house boats.
Periodic Review Item	070 or 110B	SDP for Docks	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	Update 130.E.2.d.i.
Uses	080	Tide gates	Add tide gates to the use tables, with the process being a CUP.	Look into the process required for tide gate repairs
Uses	080	Accessory Utilities	Add accessory utilities as a use in the table and ensure it is a SHE in all designations. Or consider adding it to definition of appurtenance	
Uses	080	Mooring Buoys	Consider regulating mooring buoys	DNR has expressed that they would like IC to create a local process to regulate mooring buoys. Several Commissioners have brought up concerns with this.
Uses	080 & 110.B	Floating boat storage	Consider adding floating boat storage to the uses list.	Determine if this should be treated like a dock/float/pier. Determine if they should be allowed in all sections, or just canal communities?
Uses	080	Transportation	Develop a streamlined process for public infrastructure and access.	Add provision to expedite permitting if needed for emergency service access (for the good of public safety).
Uses	080	Historic Commercial	Consider adding a use for existing historic commercial facilities.	Captain Whidbey Inn, Bush Point B&B, Penn Cove Pottery, Cama Beach Resort etc. Determine whether this can be covered by our current non-conforming section of code first.
Uses	080	Boat Lift and Canopies	Add uses, standards, and definitions for boat lifts, canopies, boat houses, and overwater boat storage in Aquatic zone.	
Periodic Review Item	080 and 100.F	Forest Practices	Ecology amended forestry use regulations to clarify that forest practices that only involve timber cutting are not SMA “developments” and do not require SDPs.	Add a note to the use table and clarify under 100 item F.
Setbacks	090	Setbacks outside shoreline	Clarify that if the buffer and setback add up to more than 200 ft, they no longer apply because they are outside of shoreline jurisdiction.	Critical areas buffers that extend outside of the 200ft would still apply
Periodic Review Item	090.C.10	Mitigation Banks	Ecology adopted a rule for certifying wetland mitigation banks.	Add a reference to state standards for mitigation banks.
Periodic Review Item	090.C.13	Streams and Lakes	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	No streams large enough to trigger shoreline jurisdiction themselves. But does this include smaller streams that cross shoreline jurisdiction?

Critical Areas	090.C.13.c	BSA in FWHCA	Change language from "projects located adjacent to marine waters..." to "projects within marine waters, marine buffer..." Consider whether there are specific uses that do not trigger this requirement (repair of soft shore armoring, stormwater tightlines)	
Critical Areas	090.C.13.h	Stream buffer & CAO	Add "If a conflict exists between this chapter and another chapter or planning policy, the more restrictive shall apply."	
Vegetation Conservation	090.K	Vegetation maintenance	Move to 100 or 110. Provide clarity on processes.	Ask Ecology on determination on whether this is "development". Consider effects on bluff stability.
Critical Areas	090.C.13.K.i	Removal of hazardous trees	Clarify that this does not allow the removal of diseased and damaged trees. Rather, reference the 17.05A.090.K	
Periodic Review Item	090.C.14	Wetlands	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	No change necessary, addressed during CAO update.
Critical Areas	090.C.14.a	CAO reference	Update to reference the most current CAO and ensure that SVAR is the process for critical areas alterations, not RUD.	Will have the Critical Areas Planner and Consultants review this.
Setbacks	090.D.3	Reference to common line setback	Add reference to common line setback - 17.05A.090.E.	
Impervious Surface	090.D.3	Impervious Surface Limits	The County and Ecology have been processing quite a few variances for exceedances in impervious surfaces; should evaluate the intent to see if the County is interested in preserving or modifying applicable codes	
Buffer Enhancement	090.D.8	Vegetative enhancements	Clarify when this is required.	Move to buffer enhancement section of code.
Setbacks	090.E.2 & 4	Expansion in building setback	Combine all sections that provide for variations within the setback and buffer without a variance into one code section	Also provide in the new section some flexibility in regulating impervious surface area when only a portion of a lot is within shoreline jurisdiction.
Setbacks	090.F.2	Common line setback	Update the section figure in Figure 1 to be accurate with the language in this section.	
Buffer Enhancement	090.F.4	Buffer enhancement	Clarify what the "remaining buffer" means.	
Buffer Enhancement	090.G	Buffer enhancement for impervious in setback	Consider requiring buffer enhancement for increased impervious surfaces within the setback, if not already required	
Buffer Enhancement	090.G	Buffer enhancement figure	Update Figure 2 to match the language in 090.G.	

Buffer Enhancement	090.G.1	Buffer enhancement	Clarify what the 200 square feet applies to. Also update Figure 2 to remove reference to the 2,200 square feet, since that only applies to stream buffer reductions.	
Buffer Enhancement	090.H.1.a(iii)	Buffer enhancement violations	Clarify the cutoff time for violations.	
Shoreline Stabilization	090.I.1	Shoreline buffer - restoration	Consider whether to keep this incentive for softshore, when there are competing concerns with buffer reductions and sea level rise	Ask the TRC whether to keep this section or not. Incentives are already included for soft shore in the stabilization section. Sea level rise is also a concern with reducing buffers and setbacks. Consider including only for structures that would become non-conforming but require homeowners to acknowledge risk.
Setbacks	090.J	Setback reduction - Canal Communities	Clarify when the reduction to 24ft is allowed and move to section that talks about modifications to setbacks that do not trigger a variance	
Setbacks	090.J.2	Vegetative enhancements	Reword and add clarifying language.	Moved to 090.E.1.
Uses	090.M	Public access	Establish streamlined process for public access	Is there flexibility under impervious surface limits for public trails?
Subdivision/Plats	090.M.5	Public access	Clarify the process for ensuring that this is implemented in plats, etc.	Add cross-reference to the subdivision section of SMP. 17.05A.100.J.
Periodic Review Item	100.B	Geoducks	Ecology adopted rules for new commercial geoduck aquaculture.	clarify that if geoduck aquaculture causes substantial interference with normal public use of the surface waters it shall require a substantial development permit.
Uses	100.C	Beach Access	This section requires the minimum access necessary. Determine if we should clarify that means you cannot have both stairs and a tram.	
Uses	100.D.1.b	Float Plane Base restrictions	Add restriction of float plane bases in the natural shoreline, as per the use table.	
Uses	100.D.2	Public Boat Launches	Create a streamlined process for public boat launches.	Consider public safety implications for police and fire need for accessing public boat launches.
Uses	100.E.6	Non-water-oriented commercial uses	Clarify how this impacts home occupancy or home industry.	

Subdivision/ Plats	100.J.2	Density restrictions	Add language that states that lots that have a portion within the shoreline jurisdiction can only be subdivided at the boundary of the shoreline jurisdiction, or farther landward, unless the portion of the property that is within shoreline jurisdiction is at least double the minimum density requirements for that shoreline environmental designation.	
Residential Development	100.J.9	Wetlands and Floodplains	Clarify whether a Variance is required in the wetland itself, or also the buffer, and whether this includes development in the 100-year floodplain. Also specify that the term "residential structure" includes appurtenances - septic and drainfields.	Consider removing variance requirement for residences in floodplain, if possible
Other	100.K	Signs	Cross reference the other sign code section.	
Shoreline Stablization	110	Wingwall	Clarify that wingwalls and return walls are not permitted on bulkheads. Bulkheads must be parallel to OHWM.	
Shoreline Stablization	110	Repair of Softshore	Provide a streamlined process for mainenance and repair of softshore.	
Shoreline Stablization	110.A.1.i	Existing shoreline stabilization	Clarify whether repair of an existing bulkhead on a vacant lot is permitted.	Consider whether to allow repair in instances where the bulkhead protects neighboring structures.
Shoreline Stablization	110.A.2	Existing shoreline stabilization	Clarify how stabilization is determined to be "existing".	See policy 006/19.
Shoreline Stablization	110.A.3.c.vi	New or expanded shoreline stabilization	Existing allowance for stabilization without a residence in canal communities may not have been the original intent after evaluating the history of the code	
Shoreline Stablization	110.A.3.f & E.7	Replacement shoreline stabilization and structures	Clarify what it means to be "regulated as new stabilization" or "new structures".	
Docks/Piers /Floats	110.B	Moorage facilities (docks, piers, floats)	Consider moving this to be under section 100, with the other uses.	
Docks/Piers /Floats	110.B.13	Replacement docks, piers, or floats	Rework this section to clarify this process. Consider how this affects owners who do partial repairs over periods greater than 5 years.	
Docks/Piers /Floats	110.B.20	Docks - new waterfront properties	Clarify what "new" means.	
Docks/Piers /Floats	110.B.20	Docks - unsafe	Clarify what "promptly" means.	

Docks/Piers /Floats	110.B.6	Demonstrating need for dock, piers, or floats	Clarify how applicants can provide information required under section (a) and (b).	
Dredging	110.D	Maintenance Dredging	Clarify how maintenance dredging is permitted (ramp vs. non-ramp)	
Periodic Review Item	130.C	WSDOT Projects	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Add this provision.
Periodic Review Item	130.C.11	Permit Filing	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	The date of filing for substantial development permits need to be changed from the date the county transmits its decision, to the date the Department of Ecology receives the permit. Also need to specify the requirement for concurrent filing of permits if there are separate Substantial Development, Conditional Use Permits, and/or Variances.
Periodic Review Item	130.D	SMP Amendments	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	No change necessary.
Periodic Review Item	130.D	SMP Amendments	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	No change necessary.
Periodic Review Item	130.D	SMP Amendments	Submittal to Ecology of proposed SMP amendments.	No change necessary.
Periodic Review Item	130.D.6	SMP review and amendments	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	Clarify that SMP amendments are effective 14 days from Ecology's written notice of final action.
Other	130.E.2.d(iv)	Emergency permit	Clarify when an emergency is not "anticipated".	Outline the process for handling emergency bulkhead repairs. More discussion with BICC needed on this topic.
Permit Process	130	SHE & SHE-LR Process	Add sections about the SHE & SHE-LR process.	See also policies 001/12, 002/14, 006/14, and 004/17. Update per recent Ecology guidance that vegetation maintenance is not considered "Development".
Permit Process	130.B.8.b	OHWL determination process	Add a process for when there are disputes about the OHWL location, i.e. Ecology is the final decision maker.	
Periodic Review Item	130	ADA	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act.	Add the exemption to new proposed section on SHE's and SHE-LR's.
Periodic Review Item	140	Nonconforming Development	Ecology clarified "default" provisions for nonconforming uses and development.	No change necessary. Can review new WAC to see if there are provisions we would like to incorporate into the SMP. We may want to clarify this section.

Permit Process	140	Nonconforming Development	Clarify that non-conforming structures can go up in height without additional buffer enhancement, but it may change the permit type it would be processed as.	
Permit Process	140.C	Nonconforming Development	Strike the provision requiring an SCUP for expanding an SFR in the buffer or setback and make it an SVAR consistent with 090.D.2.	
Variances		Process for specific modifications to shoreline standards, other than variance	Establish a review process, other than a shoreline variance, for specific modifications to shoreline standards, where that specific scenario frequently occurs and currently requires a variance for approval. Combine the following sections: 090.D.3.a, 090.E, 090.F, and 090.G.1..	Also include the language from section 090.E.2 & 4 about expansion in the building setback.
Other		Dumping	Add "no-dumping" in shoreline/over steep slope.	Determine whether this is already covered under 17.03 and/or 17.02B.
Other		Failing Septic Systems	Policy 002/14 - Shoreline Exemption for failing septic systems.	
Other	130.E.2.f	HVAC Systems	Policy 004/17 - Minor Heating, Ventilation, and Air Conditioning (HVAC) appurtenances in Shoreline Jurisdiction.	Are there incentives for raising your HVAC above base flood or expected sea level rise, or for installing sump pumps?
Other	17.03.180.S.8	Land Use Standards	Delete this section and reference 17.05A.	
Other		Figures	Add additional illustrations, including for what a "wingwall/return wall" is	
SEDs		Shoreline Environment Designations	Capitalize all SEDs.	
Geotechnical		Terminology	Consistent use of "geotechnical report" versus "geocoastal report".	
Setbacks and buffers		Terminology	Consistent use of terms "lake buffer" "marine buffer" "shoreline buffer" and "shoreline setback"	
Periodic Review Item		Appeal Procedures	The Legislature amended the SMA to clarify SMP appeal procedures.	No changes necessary.
Periodic Review Item		Existing Structures	The Legislature authorized a new option to classify existing structures as conforming.	Research how we currently treat existing structures, and determine whether this is something we would want to do.
Periodic Review Item		OHHM	The Legislature created new "relief" procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	Use the State's language to implement in Freeland

Periodic Review Item		Moratoria	The Legislature added moratoria authority and procedures to the SMA.	Determine whether we want to add a moratoria provision to the SMP. Could be potentially useful in areas where development is determined to be unsafe due to natural causes (slides, erosion, flooding).
Periodic Review Item		Floodways	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	No change necessary, IC does not have floodways.